

WEDNESDAY, JANUARY 9, 2019

SECOND ORGANIZATIONAL DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Casada.

The proceedings were opened with prayer by Pastor Mike Norris, Franklin Road Baptist Church, Murfreesboro, TN.

Representative Rudd led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 97

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Potts, Powell, Powers, Ragan, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada -- 97

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Ramsey; illness

Representative Parkinson

PRESENT IN CHAMBER

Rep. Parkinson was recorded as being present in the Chamber.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for January 10, 2019:

***House Joint Resolution No. 11** -- Memorials, Sports - Oakland High School football team, TSSAA Division I Class 6A State Champions. by *Terry.

***House Joint Resolution No. 12** -- Memorials, Public Service - Mayor Dean Dickey. by *Cepicky.

***House Joint Resolution No. 13** -- Memorials, Public Service - Mayor Jim Bailey of Mt. Pleasant. by *Cepicky.

***House Joint Resolution No. 14** -- Memorials, Recognition - Maryville College, 200th anniversary. by *Moon.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 16** -- Statutes and Codification - As introduced, codifies the Acts of the 2018 regular session. by *Lamberth, *Gant.

***House Bill No. 17** -- Children - As introduced, establishes a presumption that a minor who is the victim of a sexual offense or engaged in prostitution held a reasonable belief that the use of force is immediately necessary to avoid imminent death or serious bodily injury. - Amends TCA Title 39. by *Lamar.

***House Bill No. 18** -- Students - As introduced, adds students who attended a nonpublic school or home school for the preceding school year to the category of students eligible for their parent to participate in the individualized education account program. - Amends TCA Title 49, Chapter 10, Part 14. by *Reedy.

***House Bill No. 19** -- Local Education Agencies - As introduced, disqualifies relatives of an LEA's director of schools, a member of the LEA's central office staff, or a member of the LEA's board of education from serving as a member of the LEA's board of education; exempts members of a local board of education who are currently serving a term on the board for which they were elected before July 1, 2019. - Amends TCA Title 49, Chapter 2, Part 2. by *Reedy.

***House Bill No. 20** -- Education, Dept. of - As introduced, requires the department to pay for certain background investigations conducted by the Tennessee bureau of investigation and the federal bureau of investigation for LEA employees who hold a position as a teacher or any other position requiring proximity to school children or to children in a child care program under certain circumstances. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 5. by *Reedy.

WEDNESDAY, JANUARY 9, 2019 – SECOND ORGANIZATIONAL DAY UNOFFICIAL VERSION

***House Bill No. 21** -- Election Laws - As introduced, changes the nomination process for candidates for United States senator. - Amends TCA Title 2, Chapter 13. by *Williams.

***House Bill No. 22** -- Historical Commission - As introduced, vacates and reconstitutes commission; reduces number of members on commission appointed by the governor from 25 to 15; removes governor as an ex officio member of the commission; increases from one to seven the number of appointees who must be a member of a racial minority; increases from three to eight the number of appointees who must have an academic background in history or historic preservation; revises evidentiary standard to obtain a waiver from the commission from clear and convincing to preponderance of the evidence. - Amends TCA Title 4. by *Jernigan.

***House Bill No. 23** -- Employees, Employers - As introduced, authorizes an attorney for a county, municipal, or metropolitan government to seek an injunction against a person who harasses an employee of the county, municipal, or metropolitan government, or any agency thereof. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 49 and Title 50. by *Jernigan.

***House Bill No. 24** -- Guardians and Conservators - As introduced, requires a court to review a criminal history records check and an independent credit report before appointing a proposed conservator; requires an appointed conservator to complete educational training within 30 days of appointment. - Amends TCA Title 34 and Title 35. by *Jernigan.

***House Bill No. 25** -- Education - As introduced, removes the Tennessee School for the Deaf from the Tennessee School for the Blind facilities beginning with the 2022-2023 school year; changes from Davidson County to middle Tennessee the location at which a Tennessee School for the Deaf branch must operate; prohibits certain schools from sharing certain leadership positions at the same time. - Amends TCA Title 49. by *Jernigan.

***House Bill No. 26** -- Lottery, Corporation - As introduced, requires the corporation to provide a copy of its annual operating budget for the next fiscal year to the state treasurer. - Amends TCA Title 4. by *Marsh.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were held on the Clerk's desk pending appointment of appropriate standing committees:

***House Bill No. 1** -- Gambling -- Held On Desk

***House Bill No. 2** -- Sentencing -- Held On Desk

***House Bill No. 3** -- Courts -- Held On Desk

***House Bill No. 4** -- Children -- Held On Desk

***House Bill No. 5** -- Taxes, Amusement -- Held On Desk

**WEDNESDAY, JANUARY 9, 2019 -- SECOND ORGANIZATIONAL DAY UNOFFICIAL
VERSION**

***House Bill No. 6** -- Driver Licenses -- Held On Desk

***House Bill No. 7** -- Campaigns and Campaign Finance -- Held On Desk

***House Bill No. 8** -- Wine & Wineries -- Held On Desk

House Bill No. 9 -- Tobacco, Tobacco Products -- Held On Desk

***House Bill No. 10** -- Employees, Employers -- Held On Desk

House Bill No. 11 -- Motor Vehicles -- Held On Desk

***House Bill No. 12** -- Business and Commerce -- Held On Desk

***House Bill No. 13** -- Election Laws -- Held On Desk

***House Bill No. 14** -- Controlled Substances -- Held On Desk

***House Bill No. 15** -- Controlled Substances -- Held On Desk

CONSENT CALENDAR

***House Joint Resolution No. 3** -- Memorials, Recognition - Girl Talk, Inc. by *Staples.

***House Joint Resolution No. 4** -- Memorials, Professional Achievement - David Poile, U.S. Hockey Hall of Fame. by *Clemmons.

Rep. Clemmons moved that all members voting aye on House Joint Resolution No. 4 be added as co-prime sponsors, which motion prevailed.

Rep. Staples moved that all members of the Knox County delegation voting aye on House Joint Resolution No. 3 be added as co-prime sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes.....	0

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody,

WEDNESDAY, JANUARY 9, 2019 – SECOND ORGANIZATIONAL DAY UNOFFICIAL VERSION

Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Terry, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada -- 95

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Consent Calendar** and have this statement entered in the Journal: Rep. Garrett.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Lamberth moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 9 out of order, which motion prevailed.

***House Joint Resolution No. 9** -- General Assembly, Recess & Reconvene - Recesses organizational session from close of business on Thursday, January 10, 2019, until Friday, January 18, 2019. by *Lamberth.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Lamberth, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Lamberth moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 10 out of order, which motion prevailed.

***House Joint Resolution No. 10** -- General Assembly, Joint Conventions - Calls joint convention for purpose of inaugurating the Honorable Bill Lee as governor on Saturday, January 19, 2019; adjourns organizational session and convenes regular session of 111th General Assembly on January 19, 2019; recesses regular session until January 23, 2019, for House of Representatives and January 28, 2019, for Senate. by *Lamberth.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Lamberth, the resolution was adopted.

A motion to reconsider was tabled.

ANNOUNCEMENTS

Rep. M. Hill announced that the report from the Select Committee on Rules was spread on the member's desk for review.

REPORTS FILED

The Clerk announced that the report of the Select Committee to Review the Audits and Operations of the Comptroller of the Treasury and Department of Treasury had been filed with the Clerk's Office and was available for review.

ENGROSSED BILLS January 9, 2019

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolutions Nos. 3, 4, 9 and 10.

GREG GLASS Chief Engrossing Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 98

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Terry, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada -- 98

RECESS

**WEDNESDAY, JANUARY 9, 2019 – SECOND ORGANIZATIONAL DAY UNOFFICIAL
VERSION**

On motion of Rep. Lamberth, pursuant to **Senate Joint Resolution No. 42**, the House stood in a brief recess to prepare for the Joint Convention for the purpose of electing Constitutional Officers, at the conclusion of which, the House stood in recess until 9:00 a.m., Thursday, January 10, 2019.

IN JOINT CONVENTION

ELECTION OF CONSTITUTIONAL OFFICERS

The hour having arrived, set by Senate Joint Resolution No. 42, the House and Senate met in Joint Convention for the purpose of the election of the Constitutional Officers.

Mr. President McNally called the Joint Convention to order pursuant to Senate Joint Resolution No. 42.

Senator Johnson moved to dispense with the Senate Roll Call, which motion prevailed.

Representative Lamberth moved to dispense with the House Roll Call, which motion prevailed.

The Clerk of the Senate read Senate Joint Resolution No. 42 authorizing the Joint Convention.

Mr. President McNally declared the first order of business was to adopt the Report of the Select Committee to Review the Audits and Operations of the Comptroller of the Treasury and the Department of the Treasury.

**REPORT OF THE SELECT COMMITTEE TO REVIEW THE AUDITS AND OPERATIONS OF
THE COMPTROLLER OF THE TREASURY AND THE DEPARTMENT OF TREASURY**

On January 8, 2019, the select committee appointed by the Speakers of the Senate and the House of Representatives, pursuant to Tennessee Code Annotated, Sections 8-4-102 and 8-5-102, met to review the audits and operations of the Comptroller of the Treasury and the Department of the Treasury in House Hearing Room V in Cordell Hull Building. The select committee was composed of Representative William Lamberth, Representative John Mark Windle, Representative Susan Lynn, Senator Raumes Akbari, Senator John Stevens, and Senator Bo Watson, who served as chairman. A quorum was present.

Deborah Loveless presented the following information to the committee on behalf of Treasurer David H. Lillard, Jr., and Comptroller Justin P. Wilson:

1. An audit report of the Comptroller of the Treasury, dated October 2018;
2. An audit report of the Department of the Treasury for the fiscal year ending June 30, 2018; and
3. A report entitled "State of Tennessee Office of the Comptroller of the Treasury, Department of Audit External Peer Review for the period July 1, 2017 through June 30, 2018" conducted under the direction of the National State Auditors Association.

Senator Stevens moved that the committee accept the audit of the Comptroller of the Treasury as being properly conducted and in compliance with all laws and to report

WEDNESDAY, JANUARY 9, 2019 – SECOND ORGANIZATIONAL DAY UNOFFICIAL VERSION

such action to the Senate and House of Representatives. The motion was seconded by Representative Lamberth. The motion carried unanimously.

Representative Lynn moved that the committee accept the audit of the Department of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Senator Akbari seconded the motion. The motion carried unanimously.

There being no further business, the committees adjourned.

Submitted by:

/s/ Representative William Lamberth

/s/ Senator Bo Watson

/s/ Representative John Mark Windle

/s/ Senator John Stevens

/s/ Representative Susan Lynn

/s/ Senator Raumesh Akbari

Senator Watson moved, pursuant to Tennessee Code Annotate Sections 8-4-102 and 8-5-102, that the Joint Convention adopt the report of the Select Committee to Review the Audits and Operations of the Comptroller of the Treasury and the Department of the Treasury.

Representative Lamberth seconded the motion, which motion prevailed.

ELECTION OF THE COMPTROLLER OF THE TREASURY

Mr. President McNally declared the next order of business was the election of the Comptroller of the Treasury and that nominations were in order.

Senator Dickerson nominated Mr. Justin P. Wilson of Davidson County.

Representative Weaver seconded the nomination of Mr. Wilson.

Representative Littleton moved that nominations cease and that Mr. Justin P. Wilson be elected by acclamation, which motion prevailed.

President McNally declared Mr. Wilson duly, legally and constitutionally elected Comptroller of the Treasury.

President McNally appointed the following committee to escort Mr. Wilson to the Well of the House: Senators Crowe, Hensley and Gresham; Representatives Crawford, Lynn and White. Representative Susan Lynn served as Chair of the Committee.

OATH OF OFFICE

**WEDNESDAY, JANUARY 9, 2019 – SECOND ORGANIZATIONAL DAY UNOFFICIAL
VERSION**

The Oath of Office was administered to Mr. Wilson by the Honorable Timothy Easter, Justice of the Tennessee Supreme Court.

Mr. Wilson expressed his appreciation to the General Assembly.

Mr. President McNally relinquished the Chair to Mr. Speaker Casada.

ELECTION OF STATE TREASURER

Mr. President Casada declared the next order of business was the election of the State Treasurer and that nominations were in order.

Representative Gant nominated Mr. David H. Lillard, Jr. of Fayette County.

Senator Gresham seconded the nomination of Mr. Lillard.

Representative Lynn moved that nominations cease and that Mr. David H. Lillard, Jr. be elected by acclamation, which motion prevailed.

President Casada declared Mr. David H. Lillard, Jr. duly, legally and constitutionally elected State Treasurer.

President Casada appointed the following committee to escort Mr. Lillard to the Well of the House: Senators Lundberg, Stevens and White; Representatives Hazelwood, Moody and J. Sexton. Senator John Stevens served as Chair of the Committee.

OATH OF OFFICE

The Oath of Office was administered to Mr. Lillard by the Honorable Timonthy Easter, Justice of the Tennessee Supreme Court.

Mr. Lillard expressed his appreciation to the General Assembly.

Thereupon, the purpose for which the Joint Convention was called having been accomplished, Mr. President Casada declared the Joint Convention dissolved.